

AMERICAN MEDICAL ASSOCIATION WOMEN PHYSICIANS SECTION

Resolution: (Assigned by HOD)
(A-25)

Introduced by: Chang Na

Subject: Improving Protection for Reproductive Health Information

Referred to: Reference Committee (Assigned by HOD)

Whereas, existing policies oppose the criminalization of accessing abortion services (H-5.980) and supports preservation and expansion of access for abortion services (D-5.996, D-5.999); and

Whereas, the 2024 modifications to the HIPAA Privacy Rule strengthen the protection of reproductive health information by prohibiting the use or disclosure of PHI for criminal, civil, or administrative investigations or liabilities related to lawful reproductive health care¹; and

Whereas, the enforcement of privacy protections ensures that individuals can access reproductive health services without fear of legal repercussions; and

Whereas, the criminalization of reproductive healthcare has affected both patients and physicians², leading to interference in the practice of medicine and poor patient outcomes³; therefore be it

RESOLVED, that our American Medical Association supports the prohibition against the use or disclosure of protected health information (PHI) to conduct a criminal, civil, or administrative investigation into or impose criminal, civil, or administrative liability for the mere act of seeking, obtaining, providing, or facilitating reproductive health care; and be it further

RESOLVED, that our AMA will work with relevant stakeholders to advocate for continuous improvements in the protection of reproductive health information to uphold patient confidentiality and access to care.

Fiscal Note: (Assigned by HOD)

Received:

REFERENCES

1. <https://www.hhs.gov/hipaa/for-professionals/special-topics/reproductive-health/final-rule-fact-sheet/index.html>
2. <https://www.pbs.org/newshour/health/new-york-doctor-indicted-over-online-prescription-of-abortion-pill-in-louisiana>
3. <https://www.npr.org/2023/09/12/1199068710/patients-and-doctors-in-3-states-announce-lawsuits-over-delayed-and-denied-abortion>

RELEVANT AMA POLICY

Oppose the Criminalization of Self-Managed Abortion H-5.980

1. Our American Medical Association opposes the criminalization of self-managed abortion and the criminalization of patients who access abortions as it increases patients' medical risks and deters patients from seeking medically necessary services.
2. Our AMA will advocate against any legislative efforts to criminalize self-managed abortion and the criminalization of patients who access abortions.

3. Our AMA will oppose efforts to enforce criminal and civil penalties or other retaliatory efforts against these patients and requirements that physicians function as agents of law enforcement – gathering evidence for prosecution rather than as a provider of treatment.

[Res. 007, A-18 Modified: Res. 027, A-22]

Expanding Support for Access to Abortion Care D-5.996

1. Our American Medical Association will advocate for:
 - a. broad and equitable access to abortion services, public and private coverage of abortion services, and funding of abortion services in public programs.
 - b. explicit codification of legal protections to ensure broad, equitable access to abortion services.
 - c. equitable participation by physicians who provide abortion care in insurance plans and public programs.
2. Our AMA opposes the use of false or inaccurate terminology and disinformation in policymaking to impose restrictions and bans on evidence-based health care, including reproductive health care.

[Res.229, I-22]

Preserving Access to Reproductive Health Services D-5.999

1. Our American Medical Association recognizes that healthcare, including reproductive health services like contraception and abortion, is a human right.
2. Our AMA opposes limitations on access to evidence-based reproductive health services, including fertility treatments, contraception, and abortion.
3. Our AMA will work with interested state medical societies and medical specialty societies to vigorously advocate for broad, equitable access to reproductive health services, including fertility treatments, fertility preservation, contraception, and abortion.
4. Our AMA supports shared decision-making between patients and their physicians regarding reproductive healthcare.
5. Our AMA opposes any effort to undermine the basic medical principle that clinical assessments, such as viability of the pregnancy and safety of the pregnant person, are determinations to be made only by healthcare professionals with their patients.
6. Our AMA opposes the imposition of criminal and civil penalties or other retaliatory efforts, including adverse medical licensing actions and the termination of medical liability coverage or clinical privileges against patients, patient advocates, physicians, other healthcare workers, and health systems for receiving, assisting in, referring patients to, or providing reproductive health services.
7. Our AMA will advocate for legal protections for patients who cross state lines to receive reproductive health services, including contraception and abortion, or who receive medications for contraception and abortion from across state lines, and legal protections for those that provide, support, or refer patients to these services.
8. Our AMA will advocate for legal protections for medical students and physicians who cross state lines to receive education in or deliver reproductive health services, including contraception and abortion.

[Res. 028, A-22 Reaffirmed: Res. 224, I-22 Modified: BOT Rep. 4, I-22 Appended: Res. 317, I-22 Reaffirmation: A-23 Appended: Res. 711, A-23]